G. R. S. IX-5]

Previous references.

1891-92
~~192~~ .
(262)

File No. 2088-91

Serial Nos. 1—5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—5

Part B for January 1892.

SUBJECT.

Appeal of Engineer and Mechanical for the erection of the Parsi Chawl & Bhavnagar College in Talaja Taluka.

To

Engineer & Mechanical, Bhavnagar

No. 530/50 dated 21. 1. 92.

Sir,

I am directed to acknowledge the receipt of your letter

WD 2253—GRB—20,000—14-6-20

Memo

Revenue appeal
no

appellants (Plaintiffs)
Kinjia and 3 others
Respondents
1 Basia
2 Mahadevia

Memo:
On the 25th February 1891 the appellants sued for the recovery of the Patel-office of Bharana-Sumandra in Jafrabad Taluka from the Respondents.

The Plff & appellants (1st Plff) alleged that they and the 1st Defdt belonged to the same family which had been in enjoyment of the Patel office and that they (Plff) had been residing in British Territories since 1875 that the 1st Defdt in collusion with the 2nd Defdt fraudulently got the latter appointed Patel that they became aware of the fraud so practised on them only a year previous to the filing of the Suit.

Mr Chevji-setti Asst Comr who tried the 2nd case dismissed the suit

Heard 1st December 1892
Reserved for Judgment
C.J.

2/11/92 Adjourned to 19 Jan 1893.
P.J.

P. J. 24 Jan 1893.
Given
15/12

on the grounds that, the ~~Plaint~~ Claim was barred by limitation, since it was filed more than 12 years after the 2d Defl commenced to have adverse Enjoyment of the Office, that the relationship of the parties as alleged in the plaint had not been satisfactorily proved and that even supposing that the 1st Defl or his ancestors ever held the Patel office it was relinquished by the 1st Defl in favour of the 2d Defl in the Pukka Potsi settlement of 1878.

In October 1891 Plff appealed to the D. Court against the ~~Order of~~ decision dismissing the appeal. The Deputy Court Con-curred with the ~~lower~~ Court & first decision ~~the Court~~ both as regards the question of limitation and on the merits of the case. He ~~accepted~~ found that ~~Plff failed to prove~~ ~~first held as alleged~~ since the year 1847, when a Register of Patels was prepared the grandfather of the 2d Defl, the father of the 2d Defl, his uncle and the himself have successively been in the Enjoyment of the office although the 1st Defl and his ancestors were

them in the Register
nominally ~~registered~~ as
headmen; and the Patels
pointed on the 1878
settlement the 1st
Defendant's name stood
in the Register as head
-man relinquished his
rank in favour of the 2nd
Defendant who was therefore
recognized as the registered
headman of the village and
that neither the Plaintiffs nor any
of their ancestors ever
held the office sued for."
In this appeal ~~from~~ the
~~appellants~~ Respondents allege
that their claim
is not barred by
limitation.
ii that without their
knowledge their names
were removed from
the Patels Register.
iii that the question
of relationship has
not been fully gone into.
They pray that
the case may be remanded
for further evidence
or they may be recognized
as "hissedars".

B.O.2 In appeal
4/
29.8.92 Vide receipt the
Govt are no sufficient
reason to differ from the
concurrent findings of the

the Contributors. Pltffs
have been admitted
out of Mine since 1847.
The Defts and his ancestors
have been in possession
& enjoyment of the disputed
Mine for more than
25 years - The Judgment | 45
of the Court by which Pltffs took
Place so far back as
1878 and whether it was
rendering a Colliers
Pltffs claim is clearly
barred as they were
told the Mine and were
prepared then claim but
within 12 years preceding
the institution of this suit.
Pltffs have also failed to prove
the alleged relationship which
they bound their right to the Mine upon -
Then appeal Court is therefore dismissed.

C.P. Thomas Esq 1911
Commissioner Judge

Precis

Revenue appeal
No - of 1892-93

Appellants (Plffs)

1 Lingia son of Simia
2 Lingia son of Kari
- basia
3 Mingappa
4 Timkappa

Respondents

1 A. Basia
2 Mahadevia

The appellants filed a revenue suit in the Court of the Gajalcer amildar in February 1891 for the restoration of the Patels office of Bhadrimasamudra in the said Gajalcer Taluk.

On 23.3.91 the Amildar stating that this suit should in accordance with the Land Revenue Rules, have been filed in the Court of the Deputy Commr. submitted the same to

No 630 (page 8 in the vernacular file)

The Deputy Commr
for orders.

The Dy Commr there-
upon took the case on
his file and subse-
quently transferred
it to Mr Chengia Setti
Asst Commr for disposal.

The plaint is:

(1) that Plffs and the
1st Defl are of the same
family and that the
Patels of Bharama
Samudra in Jagalur
Taluk has been in
the enjoyment of this
family.

(2) that the Plffs had been
residing in Her Majesty's
Territories and it was
therefore inconvenient
for them to have their
names entered in the
Patels Register when it
was being prepared
and that they and 1st had equal right.

(3) that neither the
2d Defl nor any of his
ancestors had any right
to the said Patels.

(4) that after the 2d
Plffs' grandfather
Ranjappa had for some
time been in office, the
hereditary was made
out in 1st Defts' name

1st May 1891 (May 1)

and that the 1st
Defdt has no cause of doing
the said pateli duties
himself got them done
by 2nd Defdt's father & others
and that the 1st Defdt
has subsequently got
the 2nd Defdt appointed
patel with the object
of defrauding the Plffs.
(5) That the Plffs came
to know of the fraud
practised on them only
a year ago and that
the cause of action
accrued since then.

Before the settlement
of issues the 1st Plaintiff
Lingia' ~~Gudda~~ was
examined by the Court
Comng with regard to
the relationship of the
parties. He stated:-
" My father was Somapp
Somappa's father was
Thippia. x x
(Defdt) Hale' Gowdara
Basia's father was
Kenchappa and Kenchapp
father was the above
named Thippia. Thippia
had 5 Sons:- Kenchappa
Dodda Lingappa, Sanna
Lingappa, Somappa,
and Kari Lingappa.

5/5/91
(Page 31)

Dodda Lingappa's
son is the 3d Plff
Mugappa. Sanna
Lingappa's son was
Kanibasappa. Kani
-basappa's son is the
2d Plff Lingia. I am
Somappa's son. Kari
Lingappa's son is the
4th Plff Tirukappa."

The 1st Defl Bacia
states on oath as follows:
I never did the Patel
duties of Bharama
samudra. x x
Ever since I was a boy,
the 2d Defl Mahadeva's
father alone has been
doing the Patel duties
of Bharamasamudra,
and the said Defts'
uncle Dyamia has also
been doing the duties for
some time. After Dyamia,
the 2d Defl has been
in office. All the Plffs
are my grandfather's
brothers' sons. x x
During the Pukka Potpi
settlement the amildar
examined me. I then
stated that since I was
illiterate I was unable
to do the Patel duties of
Bharama Samudra.
I did not state before
him that I did not
want the Patel-huck
at-all."

4th May 1891
(page 32)

7 4-5-91
(page 33)

the 2nd Defd Mahadevia
in his written statement
says:

(1) That it is not true
that Plffs and the 1st
Defd belong to the same
family. Neither the Plffs
nor their ancestors had
any right to the patel-
ship of Bharama Samudra.

(2) That for some reason
or other the 1st Defd's
name had been entered
though nominally, in the
Register as "hukkdar"
prior to the pukka
potgi settlement, though
neither he nor his ancestors
ever did the patelship duties.

(3) That his (the 2nd Defd's)
ancestors had been for
a long time in office
and that he (2nd Defd)
also has now been in
office.

(4) That during the
pukka potgi settlement
in or about 1878 the
1st Defd was examined
by the Settlement Officer
when he relinquished
his right to be entered
as "hukkdar" ~~and~~ that
the 2nd Defd's name was
then registered and that
he has been in office since
then.

(5) That the Plffs were
aware of this.

(6) That the suit is

barred by limitation
(7) whether the 1st Defts
and Plffs are in collusion
with each other.

The following
issues were framed.

Whether the suit
is barred by limitation
or not?

2 How are the 1st Defts
& Plffs related to each
other?

3 Was the patel
'hak' of this village
acquired when the
Plffs or their ancestors
and the 1st Defts or his
ancestors were un-
-divided members of
the same family or
otherwise?

4 Have the 1st Defts &
his ancestors been in
enjoyment of the patel of this village?

5. Have the 2d Defts
and his ancestors been
holding the patel appoint
-ment as hereditary
or only as guna sthas?

Plffs examined 10 witnesses.

Mahadeva the
2d Defts who was examined
as the 1st witness for Plffs
stated that for 4-5
years past he had been doing
the patel duties of
Sharanasamudra,

5-6-91

that he got the patch registered in his name that Plffs and the 1st Defts were not related to each other that his father and grandfather did the patchi duties of the said village that the mukka 1907 Exh. of 1869-70 marked as Exhi III would shew that his ancestors had been doing the patchi duties and that exhibit IV would shew that there were no "hissedars".

The 1st Defts' Gowdara basia as 2d witness for Plffs stated that with his consent the 2d Defts father Bharamajja had been doing the patchi duties that 2d Defts' grandfather Guru Siddia had been doing the patchi duties of the said Bharama Samudra that he (Basia) never did the patchi duties of Bharamasamudra and that he learnt that the 2d Defts' father had been doing the patchi duties with his permission on referring to the records.

The 3d witness for Plffs, Seethakkama

Sastry an Astrologer and Purohit stated in his examination that people were saying that 2d Plffs' grandfather, other Plffs' fathers and the 1st Defts' father were brothers, & that he did not know either the 1st Defts' father or his grandfather.

The 4th witness Linganna stated that he used to go to 1st Defts' house in the "mahalaya paksha" and that he used to see all the Plffs meeting there.

The 5th witness Ramappa who is also the 3d Plff in the case, stated that the 1st Defts informed him Plffs 8 or 9 years ago of the fact of his (1st Defts) having got the 2d Defts appointed (Patel), that when the (Patels) Kaifiat was prepared nobody sent for the Plffs and that neither Basappa nor Government gave them any notice.

The 6th witness stated that the elders used to say that 1st Plffs father 2d Plffs grandfather 3d Plffs father, 4th

plffs' father and 1st
Defts' father were brothers
that he (6th witness)
was the "Shaddaka"
of 2d plffs father and
that he believed plffs'
fathers were all brothers
since all these plffs
used to meet together
at the time of performing
"dévaru" (worship).

The 7th witness
Kallappa stated that
since the plffs and the
1st Defd used to meet
on marriage & other
important occasions
he believed they were
brothers.

The 8th witness stated
that at the time of the
potpi the 2d 1st Defd had
come to Jagalur for trying
to get the patéli office,
and that the 2d Defts
father then requested
the 1st Defd that he
might be allowed to
continue as patelfor
some time longer.

The 9th witness
stated that since plffs
used to go to 1st Defts'
house and vice versa
and as 1st Defd used
to say that plffs were
his brothers, he stated
that they were all
brothers. x x

x x
He stated in his examn in
chief "2d Defts uncle Byamappa
was doing the patéli duties of
mutta Karahalli 10-12 years
ago. The amildar asked
1st Defd whether he will do the
patéli work. The 1st Defd then
stated he was illiterate he did
not want it (patéli) and if the
patéli was conferred on the
2d Defd he will give him
(1st Defd) back the office whenever
required. It was on acct of
this that 2d Defd got the
Patéli."

The 10th witness
states that after Kuri
Hatti Chinappa Gir the
Pateli duties for 2 years
2d Defts' father Bhai
Chinappa did the duties
and that since then
they alone were doing
the Pateli duties.
The Plffs filed Exhibits
A to E
Exhibit A is a copy of
the Pateli Register of
1861.
The name of the Kuck
-dar to the Pateli is here
given as Hale Gondara
Kenchia's son Basia,
Gura Siddia and
Bharamia are mentioned
as persons in Enjoyment,
(of the office) with Consent.
Exhibit B is a copy of
Kulwar jamabundi
statement of Bharama
-samudra.
Chinappa is here mentioned
as "Gjurdar".
Exhibit C is a copy of
the Pateli Register of
1847.
This mentions Hale
Gondara Kenchia as
Kuckdar, Nadiga
Gura Siddia as "ann
-bhavadar" with Consent.
Exhibit D is a copy

of the Patel's Register of 1865.

This mentions that there are no "hissedars" that Gurusiddia and Bharamia are the persons actually doing the duties, that Kendia is the register's name and that Basia is the name of the (village) official.

Exhibit E is a copy of the Potgi Register of 1878.

In the last ~~colume~~ column it is stated that in accordance with order no. 201 of 11-12-84 Mahadeva shd be ordered to do the duties and that his name shd be entered in the Register.

Four witnesses were Examined for the defence:-

The 1st witness Kalya-nappa aged 99 years states that the 2d defts' father and his grandfather had been doing the Patel's duties of Muthu[x] Kadathalli and that he could not say that Plffs' family and 1st Defts' family

[x] Bharama[x]samudra is otherwise called Muthukadahalli (vide appeal petn presented to the Dy Commrs office)

were connected in such and such a manner.

The 2d witness Siva Linga Appa stated that ever since he came to Muthukadahalli, Bharamajjappa, Gurra Siddappa, Dyamappa and Mahadevappa had been doing the patel duties of that village, & that Gurra Siddappa was 2d Defts' grandfather.

The 3d witness stated that the 2d Defts'. grandfather was Gurra Siddappa, that he had been doing the patel duties, that the 2d Defts' father was Bharamajjappa, that the 2d Defts' great-grand father Dyamappa had also been Patel, & that he knew that the 2d Defts' family had been in hereditary enjoyment of the Patel office.

The 4th witness stated that he did not know how Plffs and the 1st Defd were related to each other.

The Defts also filed 5 Exhibits I to V:

it really existed.
when the 1st Defl
was so friendly with
the Plffs as not to perform
marriages or other
ceremonies without
inviting the latter,
I cannot believe that
the 1st Defl colluded
with the 2nd Defl to
deprive the Plffs of their
huk as stated in the
plaint. x x x
It was in 1865 that
the Patels registers were
prepared in an elaborate
form providing heads
for huk dars, hissedars
&c. The 1st Defl was
then 20 yrs old. It is
therefore clear that
without his Examination
it could not have been
prepared and there
was no reason for
entering "no hissedars
and joint huk dars"
if there were really any.
The 1st Defl (2d witness
for Plffs) admits that
he was Examined &
his statement taken
at the Potgi settlement.
x x x
If the Plffs were really
so closely related to the

1865
1st Defl

1st Defts as it is now alleged he would have certainly stated the fact before the Arbitrators All these facts put together convince me beyond doubt that the Plffs are not related to each other as descendants from the brothers of the father of the 1st Defts. I very much doubt whether 1st Defts father had any brothers of his own.

The 2d Defts & his ancestors have been the Patels of this village for the past many years. In the Register of 1847 Gurusiddia is Entered as "Annlharadar" who is the grandfather of the 2d Defts, while 1st Defts father is Entered as Inamdar.

Since then Gurusiddia his son Bhimappa his brother Nyamappa and Bharamappa's son Mahadevappa 2d Defts have been in the actual possession and Enjoyment of

1847

satisfied that at least since the year 1847, when a Register of Patels was prepared the grandfather of the 2d Defd, the father of the 2d Defd, his uncle and he himself have successively been in the enjoyment of the office although the 1st Defd & his ancestors were nominally regarded as hukdars. At the pukka pot[illegible] settlement the 1st Defd whose name stood in the Register as hukdar relinquished his huck in favor of the 2d Defd who was thereupon recognized as the registered hukdar of the office.

Neither the Plffs nor any of their ancestors have ever held the office sued for.

x x x

For more than 40 years at all events the 2d Defd and his ancestors have undoubtedly held the office in dispute & supposing that the Plffs or their ancestors

had any right to it?
I concur with the Asst
Comm^r in thinking
that the claim is
barred as the suit was
filed more than 12 years
after the 2nd Defts
name was entered
on the Register of the
pukka pottah settle
-ment, when 2nd Defts
must be regarded
as having commenced
to hold adverse possession
of the office as against
the Plffs"

The Dy Comm^r thus
concurring with the
view of the Asst Comm^r
dismisses the appeal
with costs.

The appellants have
now filed a second
appeal against the
above order:— 16th May 1892

They allege:-

I That both the
lower Courts erred
in thinking that the
Plffs' claim was
barred by limitation.

II That the removal
without Plffs' know-
-ledge of the names of
Plffs as "hissedars"

for the patel from the Registers is clearly wrong.

It was the Board of the 1st instance did not go fully into the question of relationship.

The appellants may that the case may either be remanded for recording further evidence or that the names of PWPs may be directed to be entered in the patel Registers as ~~husbands~~ hissedars

RBCh

(General Serial No. 82.)

1892.

No. 530

Name of Petitioner. Anjaiya & 3 ors.

Village. Bhavanasamudra

Taluk. Jagalur

District. Chitaldrug

Date of Arri. 10.3.92

Date of Receipt. 17.5.92

Date of Disposal.

No. of Enclosures. —

ABSTRACT.

Appeal against the dy Court's decision dated 15th Jany 1892 in Rev. Patel Case No. 6 91-9

Send the Copy of the decree & the dy Court's Report I ask them

Clearly the Copy was applied for when it was ready & when delivered

JR.

23/5/92

The Respondents were served with the copies of the memorandum of appeal & the notice of the appellants. Since the adjustment is settled by the Revenue Officials & the appeal is withdrawn, the appeal may be admitted & the records sent for.

JR

A petition for this time Call for proceedings

JR

3/6/92

R.

No 45

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

From the same No 834 dt 16/9/92
786

The accompanying Petition No. 530
dated 16th May 92 received at the
Dewan's Office from Lingaya Setters
of Bhimanakunda,
Jagalur Taluk, praying for
the registration of their name
as Heredars in the Patels'
office of the said village
is forwarded, together with its four
enclosures, to the Deputy Commr
Chitaldrug Dist. for sub-
mission of Report and
on the facts of the case for
the favourable consideration
2 The petition should be
returned

By Order,

Draft
16/6

Chief Secretary.

BANGALORE,
13 June 1892

Endorsed

M. D. Venkatramana
Mark 16/5/92
17/5/92

M. D. Venkatramana
Mark 16/5/92
17/5/92

MYSORE DEWAN'S
PETITION DEPARTMENT
REG'D. NO. 530
DATE 17-5-92

Two R. stamps

Appeal Rem—
Mark 17/5/92

Remembrancer's
Register &
Cmp up
17/5/92

In the Court of Mysore

Bangalore.

A. S. No 50
92-93.

Appellants (Pltffs)

1. Linigaiah, son of Lomaya
2. Linigaya, son of Kanibaraya
3. Mongaiah.
4. Venkappa

Respondents

1 Basaya
2 Mahadeva

The appellants above named respectfully beg to prefer an appeal against the decree passed by the Deputy Commissioner of Chitaldroog in Regular Appeal Case No 6 of 1891-92 on the following grounds:

1. That both the Lower Courts erred in thinking that the Plaintiffs' claim was barred by the Law of Limitation.

2

2. That the removal, without Plaintiff's knowledge, the names of Plaintiffs as Hissadars for the Patels from the Registers is clearly wrong.

3. That the Court of 1st Instance did not go fully into the question of relationship.

4. For these reasons the Appellants pray that the case may either be remanded for recording further evidence or that the names of Pltffs may be directed to be entered as Hissadars in the Patels Registers.

Bangalore
16th May 1892

D. Venkatramanappa
Advocate for Appts

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE
3618
22 JUN. 92
P. 14

189

From The Deputy Chief Secretary to Government.

To

The Chief Secretary to the ~~Dewan~~ Government of Mysore.

Dated 20-6-92
Despatched 21st June 1892.
Received

Enclosures No. 5 with 2 cys. of accounts each.

General No. 834.
No. 781.

~~His~~ Official Letter No: 45 dated the 8th instant forwarding a bill received from Rajiya Rao Bahadur for the expenditure of Stamp Papers in Bidarur in the Patti Year and requesting a sanction to the Proceedings & the case with a report.

— " —

With reference to the above and the terms of

A.1.
23-6-92

Lubrik dreuvik ta Kafiad
ar dell ar bylan———
Kreoll Kuneskaiñ a
Cae ket e dest dar
ta eglad Jadfunek ar
ta Cae Lokrie da —
Kaneg pred kenta
ar de Kerc'h.

2- Ar Kelvenn, kenad
Lakit ar Kaer under Kafi
ar Kerc'h, Kuhued.

A Lambaden
Ar Kefiz Kannidenn
Kuzulierez Kerc'h

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 50 of 1892-93.

5

Appellants

1 Lingiah son of Sonia
2 Lingiah son of Karibasia
3. Mugabba
4 Timlappa, Bharamasamudra, Jagalur Taluk, Chitaldrug District.

Vs.

Respondents.

1 H. Basiah
2 Mahadevaiah

Decision. 19-1-93.

On the 25th February 91 the Appellants sued for the recovery of the Patel Office of Bharamasamudra in Jagalur Taluk from the Respondents.

2. The Appellants (Plaintiffs) alleged that they and the 1st Respondent (1st Defendant) belonged to the same family which was in enjoyment of the Patel Office in dispute, that they (Plaintiffs) were residing in British Territories, that in 83 the 1st Defendant in collusion with the 2nd Defendant fraudulently got the latter appointed Patel, that they were unaware of the fraud so

practised on them, only a year previous to the filing of this suit.

3. Mr. Chengiah Chetty, Assistant Commissioner who tried the suit dismissed it on the grounds that the claim was barred by limitation, since it was filed more than 12 years after the 2nd Defendant commenced to have adverse enjoyment of the office, that the relationship of the parties as alleged in the plaint had not been satisfactorily proved, and that even supposing that the 1st Defendant or his ancestors ever held the Patel office, it was relinquished by the 1st Defendant in favour of the 2nd Defendant in the Patrika Sangi settlement of 1873.

4. In Suit 391 Plaintiffs appealed to the Deputy Commr against the Asst Commissioner's decision. The Deputy Commr rejected the appeal. He concurred with the Court of First instance both as regards the question of limitation and on the merits of the case. He found that since

the year 1893, when a Register of Patels was prepared, the grandfather of the 2nd defendant, the father of the 2nd defendant, his uncle and the 2nd defendant himself have successively been in the enjoyment of the office although the 1st defendant and his ancestors were nominally shown in the Registers as inferiors, that at the Patidar Sabha Settlement in 1893 the 1st defendant relinquished his claim in favour of the 2nd defendant, who was thereupon recognised as the registered holder of the office, and that neither the Plaintiffs, nor any of their ancestors ever held the office sued for.

5. In this second appeal to Court Plaintiffs allege:-

i That their claim is not barred by limitation

ii That without their knowledge their names were removed from the Patels' Registers.

iii That the question of relationship has not been finally gone into.

6 They pray that either the case may be remanded for further evidence, or

they may be recognised as "hereditary."

3. On a perusal of the Proceedings the Govt see no sufficient reason to differ from the concurrent findings of both the Courts below, (Plaintiffs) have been | which
admittedly out of office since 1914, the | last
2nd Defendant and his ancestors have been in adverse possession and enjoyment of the disputed office for more than 12 years. The relinquishment of the land by the Late (Defendant) took place so far back as 1918 and whether it was voluntary or collusive, (Plaintiffs) claim is clearly barred as they never held the office and never preferred their claim to it within 12 years preceding the institution of this suit. (Plaintiffs) have also failed to prove the alleged relationship on which they based their right to the office in question.

4. Their appeal to Government is therefore dismissed.

By order

No. 1-2965 / Pol. Fr. 243-92 3/11/98 Chief Secretary

Copy forwarded to the Deputy Commr. Chitradurg for info. in the lr. proceedings received under his No. 3364/186 dated June 98.

By order

Chief Secretary

Redraft
BSN

No. 530-
50

MD-OD-92.
31-1-93

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
31 January 1893.

Endorsement granted to Linga and 3 others of Bharana Samudra Agalaur Taluk Chitaldroog District in reply to their appeal Petition Registered No. 50 dated 6th May 1892

Petitioners are informed that since their claim is clearly barred as they never held the office and never preferred their claim to it within 12 years preceding the institution of this suit, and since they have also failed to prove the alleged relation-ship on which they based their right to the office in question, their appeal to Government is dismissed.

The enclosures are returned.

"By Order,"

Chief Secretary.

(draft)

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

That is to furnish the land cultivated with water supply kept quick, That after the Court of Arbitrators has again heard from the Sub-Commissioner that Cultivators have time enough to cultivate the lands, That in being asked if he wished to keep any portion of the land he thought he might keep some & so sent an outlay of Rs 35/- & that sometime after- wards the Sub- -Commissioner sent him Rs 25/- as being the balance remaining after deducting the Expenses incurred on account of cultivation

I also received 120£ as being his share of the Sale proceeds of the Diamonds.

The Sub-overseer was questioned about the same time through the P.M.D. His reply was "I have told you any "thing touching Koh-i-noor "Rock, neither I nor "any body, for whom "I got any connection "with, could hold any "thing." Then the Dy Accountant was asked to produce the Correspondence, if any on the subject. He produced five letters written to him by the Sub-overseer. (Original

apparently clandestine
& premature enquiries
in as much as
the Manager &
Sit them for
Nothing & shortly
afterwards sold
7 Nt of 16 Cents =
for a Consideration of
Rs 340/-

Under Rule IX, Cl 11 of
the Land Rev. Code
Dy Collectors are
prohibited from
acquiring lands
within their Jurisdiction
without the previous
sanction of the
Govt. This prohibition
& Clandestine is not
to be acquired by

(21) Page 11

his interest in the
lands under kolomba
tank which he has
in the Galboi Lot.

The Sub Comm.
recommends that
a sum of Rs 240/-
being the amount
realized by him
in the transaction
may be credited
in Krishnappa's case,
~~in consideration~~
Considering that
he readily admitted
the fact instead
of denying them
like the Sub-overseer
whom Col. Bowen
has strictly refused

having received, what letter the Deputy Amildar has from the Sub Overseer &c.

2. As this is a very bad case against the Deputy Amildar, and worse against the Sub Overseer, requires what has been done about the latter.

3. The Govt. would like to have a report on all the points above referred to, at a very early date.

By Order

Clifford

To the Dy Cr
22-7-91 Tumkur Dist
Dy & Thehsildars
in Mysore

rubkr
21/7.

9
L. 16

R.

1891-92

To,

The D.C. Thana

No. 22
Dt. 23 July 189

No. 4886
83

Calling for a Further report at a very early date, on the petition in re. the ac- -quisition of certain land in the Kadaba Taluk & Puttur Taluk, by Kri Dy: Amildar, in charge of that

Survey No. 320 of Kadaba Taluk

resulted from all the fields having been clubbed together and auctioned in one lot. But the record does not shew whether they were sold separately or together.

2. Shortly after the above transaction, that is on the 11th of the following month of October 1889, the said Raghavachar transferred the lands acquired by him to the name of Ramanuja Char, the brotherinlaw of Overseer Raghunatha Iyengar. It is locally stated that this transfer in the name of the brotherinlaw so soon after the 1st transaction was got effected through the apprehension that the Contractor Raghava Char might subsequently claim the lands for himself by reason of the Patta being

(37)

being in his name. When this transfer was effected, Mr: Krishna Row was not in charge of the Taluk, but Mr: Kanteravachar, the former having left Gubbi for Huliyar on the 29th September 1889.

3. Nine months later on, that is on the 29th of July 1890, the lands were again transferred by brother-in-law Ramanuja-Iyengar to one Kadambi Venkata Narasimhachar, a permanent resident of Kadaba, who (it is locally stated) is acting for the Sub Overseer as his agent. And in partial corroboration of this belief, Venkata-narasimhachar has given a statement that he holds and looks after these lands for Ramanuja Iyengar (the brother-in-law) he having been given 5 acres for his labor.

It

(69)

He had heard before from Kantriava a char of his intentions to join his new appointme before the end of the month, and the Deputy Amildar was ready to leave the place at any time - He accordingly handed over charge of the Taluk on the day on which Kantriava than arrived at Gubbi, viz, 29th September 1889. It was only on the eve of his departure that the Deputy Amildar was offered 5 acres by the Sub Overseer & the he kept quiet without definitely accepting the offer taking into conside tion the then disadvanta that presented viz Yan to cultivation viz the barrenness of the lands

the want of applicants,
inconvenient supply
of water to the lands &c
It was after the receipt
of the letter from the Sub
Overseer dated 10th
December 1889 when at
Fulijan that the Deputy
Amildar made up his
mind to take up the
-acres offered by the Sub
Overseer, remitted money
on account of expenses
of cultivation &c, and
before he was put in
actual possession of
Nos 20 & 21 measuring
acres Gunthas
4 - 6 which he wanted
-retain for himself
throughout, he was
strongly advised by the
Sub Overseer to dispose
them off to his (Deputy
Amildar's) advantage
on the ground that
the